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BOMBAY ACT No. III OF 1899.

An Act to provide for the grant of Special Occupancies in certain Government lands in Sind.

(The assent of the Governor General of India to this Act was published by the Governor of Bombay on the 11th November 1899.)

WHEREAS it is expedient to provide for the grant by the Government of special occupancies in certain lands in the Province of Sind within the Presidency of Bombay which are the property of the Government and are wholly or partly irrigable from Government canals; it is hereby enacted as follows :—

Short title.

1. (1) This Act may be called the Government Occupants (Sind) Act, 1899.

Extent.

(2) It extends to the Province of Sind, being part of the territories for the time being administered by the Governor of Bombay in Council.

Commencement.

(3) It shall come into force at once.

Definition.

2. In this Act, unless there is something repugnant in the subject or context, "Collector" includes also any officer appointed by the Local Government to perform all or any of the functions of the Collector under this Act. And the Local Government may delegate to any officer so appointed all or any of the powers of a Collector under the Bombay Land Revenue Code, 1879, in the area subject to his administration.

Bo. Act V of 1879.

Application of Act.

3. The Local Government may, by notification in the official Gazette, apply the provisions of this Act to any tract of land in Sind, such land being the property of Government and being wholly or partly irrigable from a canal the property of Government.

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Issue of statements of conditions of occupancies.

4. When this Act has been so applied to any tract, the Local Government may issue a statement or statements of the conditions on which it is willing to grant to occupants lands situate in such tract.

Maintenance of registers of occupancies.

5. (1) When any such statement has been issued for any tract, the Collector shall, in manner hereinafter provided, open and maintain for such tract a register or registers of occupancies granted on the conditions prescribed in such statement.

(2) Every such register shall have prefixed thereto a copy of the statement of conditions to which it relates and shall be in such form and shall contain such particulars as to the occupancies registered therein as the Local Government may prescribe.

Entry in register and signature thereof on grant of occupancy.

6. (1) Before an occupancy is granted to any person in any such tract, the prescribed particulars regarding the proposed grant shall be duly entered in the appropriate register, and the entry shall be signed by the proposed occupant and by the Collector.

Effect of signature of entry.

7. When any entry in any such register has been so signed as directed in the last foregoing section, the person signing the same as proposed occupant and his successors in interest shall, notwithstanding any previous agreement or anything contained in the Bombay Land Revenue Code, 1879, or any other enactment now in force, be deemed to have accepted and to hold the lands described in such entry as an occupant from the Government on the conditions prescribed in the statement prefixed to such register.

Bo. Act V of 1879.

Transfer of rights of occupants.

8. The rights or interests vested in an occupant by or under this Act shall not be capable of being attached or sold in execution of a decree or order of any Court or in any insolvency proceedings, nor shall they or any of them, without the previous consent in writing of the Commissioner in Sind, be transferred or charged by any sale, gift, or mortgage or other private contract.

9.

Sums due in respect to occupancy recoverable as arrears of land-revenue.

9. All sums due to the Government in respect of an occupancy granted in pursuance of this Act shall be recoverable as if they were arrears of land-revenue due from the occupant in respect of such occupancy.

Retrospective effect given to the Act in respect of occupancies granted under conditions before the passing of the Act.

10. Notwithstanding anything hereinbefore provided, any occupancy which may have been granted, upon special conditions, at any time after the 15th day of October 1899 and before the passing of this Act, in respect of lands comprised within any tract which may be notified under section 3, shall be deemed to have been granted under the provisions of this Act, and shall have the same validity as if it had been granted in accordance with the foregoing provisions. Such particulars as may be prescribed by the Local Government shall be entered in respect of such occupancies in the registers provided under section 5.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.